

Application No. 09/581,781
Amendment dated February 12, 2007
Reply to Office Action dated August 10, 2006

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Docket No.: 60590(50531)

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REMARKS

Claims 1-24 are pending in the application. Applicants request entry and consideration of the amendments and response herein.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action, and was done to expedite prosecution of the application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Support for these amendments appears throughout the specification and claims as filed. No new matter is introduced by these amendments.

Rejection under 35 USC §102(b)

Claims 1, 3-8, 10, 13, 20-21, and 24 are rejected as allegedly anticipated by US Patent 4,847,654 ("Riediker et al."). Applicants traverse.

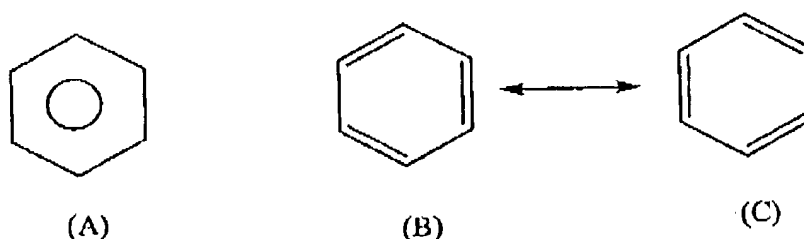
It is asserted in the Action that Riediker et al. "teach the presence of an amine compound with carbon-carbon unsaturation, namely dialkylaminomethyldifluorobromophenyl" Applicants traverse. In fact, while Riediker mentions methods of making titanocene derivatives substituted by tertiary aminomethyl groups, and generically refer to dialkylaminomethyldifluorobromophenyl lithium compounds; Riediker actually fails to describe any titanocene compound (see, for example, col. 5, lines 24-35 and the Examples at col. Col. 15) having an amino group therein. Applicants submit that for at least this reason, Riediker et al. does not anticipate Applicants claimed subject matter.

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However, in the interest of expediting prosecution, Applicants have amended claims 1, 3-8, 10, 13, 20-21, and 24 to recite amines having a "carbon-carbon double bond", which is not described in Riediker. Riediker arguably alludes to titanocenes having aromatic groups (i.e., dialkylaminomethyldifluorobromophenyl groups), but such compounds do not have carbon-carbon double bonds therein. The aromatic carbon-carbon bonds are a hybrid bond typically depicted as represented by formula (A), or as Kekule structures, that is, as a hybrid of formulae (B) and (C).



Such compounds are not considered to be comprised of carbon-carbon double bonds, that is, bonds between adjacent carbon atoms on (A) – (C) are neither single nor double bonds; rather they are a hybrid of single and double bonds. In contrast, Applicants claimed subject matter (as also exemplified in Applicants' representative examples and in Table 1 of Applicants' specification) contains carbon-carbon double bond containing amines. As such, any alleged teaching of compounds (i.e., titanocenes in the Action) by Riedeker fails to anticipate Applicants' claimed subject matter.

Moreover, the assertion in the Action that "triethylene glycol dimethacrylate" described in Riediker et al. is an example of a hydroxyl bearing unsaturated ester is incorrect. "Triethylene glycol dimethacrylate" has no hydroxy group. Applicants additionally submit that for at least this reason, the assertion in the Action that Riediker et al. anticipates Applicants' claimed subject matter is incorrect. Applicants therefore respectfully request withdrawal of the rejection.

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Rejection under 35 USC §103(a)

Claims 1-3, 8, 10, 13 and 20-24 are rejected as allegedly obvious over US Patent 4,847,654 ("Riediker et al."). Applicants traverse.

It is well established that all claim limitations must be taught or suggested in order to establish a *prima facie* case of obviousness. See, MPEP 2143.03. The references must be viewed without the benefit of impermissible hindsight afforded by the claimed invention. See, MPEP 2141(II). Thus, Applicants submit that a *prima facie* case has not been made out in the Action.

As stated above in response to the rejection under 102(b), the assertions in the Action that "Riediker et al. "teach the presence of an amine compound with carbon-carbon unsaturation, namely dialkylaminomethyldifluorobromophenyl" is an overbroad interpretation as there is not a single example of a dialkylaminomethyldifluorobromophenyl compound delineated in Riedeker. Moreover, the assertion in the Action that triethylene glycol dimethacrylate described in Riediker et al. is an example of a hydroxyl bearing unsaturated ester is incorrect. The triethylene glycol dimethacrylate compound has no hydroxy group, and therefore cannot be suggestive of a hydroxyl bearing unsaturated ester to one of ordinary skill. Nonetheless, Applicants have amended claims 1-3, 8, 10, 13 and 20-24 to recite amines having a "carbon-carbon double bond." Thus, Riediker fails to teach or suggest each of the instant claimed limitations, and thus fails to establish a *prima facie* case of obviousness. Applicants therefore respectfully request withdrawal of the rejection.

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the

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Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy. The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60590(50531).

Dated: February 12, 2007

Respectfully submitted,

By 

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